

Kathy Triplett - 10/20/04

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

OLIVIA Y, By and  
Through Her Next Friend,  
James D. Johnson, et al.

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:04CV25LN

HALEY BARBOUR, As Governor  
Of the State of Mississippi;  
DONALD TAYLOR, as Executive  
Director of the Department of  
Human Services; and BILLY MANGOLD,  
As Director of the Division of  
Children's Services

DEFENDANTS

DEPOSITION OF KATHY TRIPLETT

Taken at the instance of the Plaintiff at the  
offices of Bradley Arant, LLP, One Jackson Place,  
188 E. Capitol Street, Suite 450, Jackson,  
Mississippi, on Wednesday, October 20, 2004,  
beginning at approximately 8:09 a.m.

APPEARANCES:

ERIC E. THOMPSON, ESQ.  
MARCIA ROBINSON LOWRY, ESQ.  
Children's Rights, Inc.  
404 Park Avenue South  
New York, NY 10016

COUNSEL FOR PLAINTIFFS

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<p style="text-align: right;">Page 2</p> <p>BETTY A. MALLET, ESQ. McGlinchey Stafford, PLLC Skytel Centre South, Suite 1100 200 South Lamar Street Jackson, Mississippi 39201</p> <p style="text-align: center;">COUNSEL FOR DEFENDANTS</p> <p>Reported By: Julie Brown, CSR #1587 Brooks Court Reporting Post Office Box 2632 Jackson, Mississippi 39207 (601) 362-1995</p>	<p style="text-align: right;">Page 4</p> <p>1 KATHY TRIPLETT, 2 having been first duly sworn, was examined and 3 testified as follows: 4 EXAMINATION BY MR. THOMPSON 5 Q. Good morning, Ms. Triplett, my name is 6 Eric Thompson. I'm with Children's Rights and I am 7 representing plaintiffs in this matter. Do you 8 understand that you're here to give sworn testimony 9 in this case regarding abuse and neglect 10 investigations? 11 A. Yes, I do. 12 Q. A couple of ground rules -- if at any 13 time you don't understand a question, please let me 14 know, I'll try to rephrase it. If at any point you 15 wish to clarify a previous question, let me know, 16 we'll do that on the record. And finally, this is 17 not an endurance contest, if you need to take a 18 break, let me know and we'll do that as well. Ms. 19 Triplett, could you tell me what your current title 20 is? 21 A. Division director also known as the 22 protection unit director. 23 Q. And what is the protection unit? 24 A. The protection unit encompasses intake 25 and investigative action on child protective</p>																				
<p style="text-align: right;">Page 3</p> <table border="0"> <tr> <td style="text-align: center;">INDEX</td><td style="text-align: center;">PAGE</td></tr> <tr> <td>Appearances</td><td style="text-align: center;">1</td></tr> <tr> <td>Certificate of Deponent</td><td style="text-align: center;">95</td></tr> <tr> <td>Certificate of Court Reporter</td><td style="text-align: center;">96</td></tr> <tr> <td colspan="2" style="text-align: center;">EXAMINATIONS</td></tr> <tr> <td></td><td style="text-align: center;">PAGE</td></tr> <tr> <td>Examination By Mr. Thompson</td><td style="text-align: center;">4</td></tr> <tr> <td colspan="2" style="text-align: center;">EXHIBITS</td></tr> <tr> <td></td><td style="text-align: center;">PAGE</td></tr> <tr> <td>Exhibit 13 - Abuse and Neglect Information form</td><td style="text-align: center;">81</td></tr> </table>	INDEX	PAGE	Appearances	1	Certificate of Deponent	95	Certificate of Court Reporter	96	EXAMINATIONS			PAGE	Examination By Mr. Thompson	4	EXHIBITS			PAGE	Exhibit 13 - Abuse and Neglect Information form	81	<p style="text-align: right;">Page 5</p> <p>1 services, adult protective services, the central 2 registry program, the training program, the 24-hour 3 hot line and foster care review program. 4 Q. How long have you been a director of the 5 protection unit? 6 A. For approximately five and a half years, 7 since 1999. 8 Q. And how long have you been employed by 9 DHS? 10 A. I've been employed by DHS for 11 approximately 15 years, not consecutively. 12 Q. What was your position immediately before 13 being director of the protection unit? 14 A. I was a social worker advanced with the 15 training program. 16 Q. And is that the same training program 17 that's within the protection unit? 18 A. Yes, it is. 19 Q. Is that the program that's responsible 20 for training of all DHS staff within the division 21 of children/family services? 22 A. For all social work staff. There are 23 some staff members such as adoption and licensure 24 that are not routinely trained by the training 25 program.</p>
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1 Q. Have, do you have any concerns regarding  
2 the accuracy of the data that's being tracked  
3 regarding these figures that appear in the child  
4 protective unit report?

5 A. I really don't -- I really can't say  
6 because I'm not in a position to really be able to  
7 question the data. Based on the fact that I'm not  
8 in a supervisory position over anyone who's entering  
9 that data, I really can't speculate on whether or  
10 not that information, whether or not I even think  
11 that information is accurate or not.

12 Q. You've never expressed in senior  
13 management meetings any concerns regarding the  
14 accuracy of this information?

15 A. I can't recall that I have personally  
16 ever made that speculation or expressed a concern.

17 Q. Has anybody on your staff ever expressed  
18 to you concern about the accuracy of that  
19 information?

20 A. I can't recall if anyone on my staff in  
21 particular has ever expressed that concern, anyone  
22 within the protection unit. I can't recall now if  
23 that has occurred.

24 Q. Is it fair to say, though, that that  
25 issue of data accuracy has come up in senior

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1 management meetings?

2 A. Yes, that's fair to say.

3 Q. In what context?

4 A. I can recall discussions where that has  
5 been mentioned and that was questioned as to whether  
6 or not the information that was being entered in the  
7 system was accurate. I can recall discussions about  
8 --

9 Q. Do you know if anything is being done as  
10 a result to those conversations regarding that  
11 accuracy?

12 A. In regard to the discussions, there have  
13 been concerns about ensuring that that was  
14 reiterated in training, not only by the training  
15 program but by the supervisors who were providing on  
16 the job training. And also many discussions about  
17 the accountability by supervisors and those within  
18 the chain of command to ensure that the information  
19 was being entered as it should be in accordance with  
20 policy.

21 Q. Now you mentioned three other reports  
22 that you produced within the protection unit. Could  
23 you tell me what those are?

24 A. Okay. Those are not really reports that  
25 we produce because we don't provide information

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1 about that on an annual basis. Serious injury  
2 reports and reports of abuse and neglect in foster  
3 homes and reports of abuse and neglect in a  
4 facility, that's information that we track. But we  
5 don't actually provide a report on that on a  
6 periodic basis.

7 Q. Those are the three, foster care abuse,  
8 abuse in facilities and serious injuries?

9 A. Right, and along with the child  
10 fatalities that I mentioned earlier.

11 Q. How do you track that? First of all, do  
12 you track those on a periodic basis?

13 A. On an ongoing basis, those reports are,  
14 in accordance with policy, those reports are  
15 supposed to be provided to the protection unit as  
16 they are received in the county offices.

17 Q. I see. So individual instances are  
18 actually reported to your office on an ongoing  
19 basis?

20 A. Exactly.

21 Q. And to your knowledge, are those, are  
22 those being reported to your office in every  
23 instance?

24 A. I can't say that they are being reported  
25 in every instance. There have been instances when

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1 we have contacted the counties to receive that  
2 information, some of that information. Because we  
3 had not received and we learned from other sources.  
4 I can't say how many times that's happened, but  
5 there have been occasions when that has happened. I  
6 can't say if it was not at some point that they were  
7 not going to report it, but.

8 Q. You are aware of instances where it was  
9 not reported until you requested the information?

10 A. Right, I am.

11 Q. Do you at any point aggregate this  
12 information that comes in on a case by case basis?

13 A. I'm not sure if I understand.

14 Q. Let me rephrase. Do you keep any annual  
15 data on the number of instances of reports of abuse  
16 and neglect in foster care?

17 A. Not on an annual basis. There's an  
18 ongoing -- well, I'm sorry. There is an ongoing  
19 list of information that I would be able to pull at  
20 any given time on the number of reports that have  
21 been received. But there is not a report that is  
22 actually, that I routinely produce from that basis.

23 Q. Have you reviewed the list of foster care  
24 abuse reports recently?

25 A. No, I have not.

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<p style="text-align: right;">Page 30</p> <p>1 Q. Do you have any, would you be able to 2 tell me how many abuse and neglect reports have been 3 received in this calendar year, 2004? 4 A. In foster homes? 5 Q. In foster homes, yes? 6 A. No, I would not, not without looking at 7 it. 8 Q. Would you be able to tell me if it was 9 more than 50? 10 MS. MALLET: Objection, she's already 11 answered the question. 12 Q. (By Mr. Thompson) You have no idea? 13 A. No. 14 Q. Now you said you tracked separately the 15 number of abuse and neglect allegations in 16 facilities; is that correct? 17 A. That's correct. 18 Q. Are those, is that limited to facilities 19 that are licensed by DHS? 20 A. No. If there's a report that is made, 21 even if the facility is not licensed by DHS, we 22 would still log that information. But that 23 information is not required to be reported. 24 Q. You mentioned special investigations. 25 Are those the serious injury and child fatality</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes. 2 Q. And would that be an electronic report 3 that you could produce through MACWIS? 4 A. That would be an electronic report that 5 we could request, but also we would have that 6 information manually within the protection unit. We 7 keep that information manually, but it could also be 8 provided with MACWIS and the numbers, of course, 9 compared. 10 Q. You keep a paper file on all of the 11 reports as they come in? 12 A. Yes. 13 Q. So each report has its own separate 14 folder as it were or are they compiled together? 15 A. They're compiled together. I only keep 16 those reports, the actual reports within the 17 protection unit for a year because that information 18 is contained within the counties. And I'm only 19 using it for the purpose of tracking. I keep the 20 numbers and the information, the demographics on a 21 separate log. 22 Q. And those logs you keep more than a year 23 or two? 24 A. Yes. 25 Q. So in fact you do aggregate this</p>
<p style="text-align: right;">Page 31</p> <p>1 cases? 2 A. Yes, actually, that is the titles of 3 those things. Sometimes I sort of forget the names 4 of the titles that they exchange. The facility, the 5 special investigations are actually known as the 6 child fatality reports are included in that and 7 reports on agency employees, resource reports, I 8 believe, is actually the correct name now for the 9 facility reports and the reports of foster homes, in 10 foster homes. 11 Q. Those are two separate reports, the 12 facilities and the foster homes? 13 A. Yes, those are two separate reports. 14 Q. And does the special investigations 15 reports, does that include serious injuries? 16 A. I believe that is encompassed under that 17 title now as a special investigation, serious 18 injury. 19 Q. Now you say you don't provide or produce 20 annual reports, for example, as to the facilities in 21 foster homes. However, if you were requested to 22 produce, for example, all reports of abuse and 23 neglect in foster homes and facilities for the 24 calendar year 2003, would you be able to compile 25 that information?</p>	<p style="text-align: right;">Page 33</p> <p>1 information on these logs? 2 A. Yes, that information is compiled and 3 kept. That information is not destroyed. 4 Q. Those logs are kept manually or in 5 electronic form? 6 A. Manually. 7 Q. What is the purpose of tracking, strike 8 that. What if anything do you do with these 9 tracking numbers? 10 A. That's information that if it is 11 requested from anyone from the division director 12 within the division, that I am able to supply. 13 Other than that, there's nothing that I do on a 14 periodic basis or routine basis with that. 15 Q. Have you ever used this tracking 16 information to alert senior management of the 17 division as to any particular trend? 18 A. We have talked about this information as 19 with other information about the reports of abuse 20 and neglect in all areas. That has been discussed 21 within the senior management. I can't recall any 22 discussion where that was a specific topic of 23 concern. But that has been provided, not on a 24 routine basis. 25 Q. Have you identified any trends recently</p>

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